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SUBJECT: CAMBODIA: 2008 4TH QUARTER REPORT ON TRAFFICKING IN  
PERSONS

Ref: PHNOM PENH 753

SENSITIVE BUT UNCLASSIFIED

¶1. (SBU) Summary: During the fourth quarter of 2008, Cambodian police arrested 10 persons on human trafficking charges and two on prostitution charges in connection with two cases in which seven rescued prostitutes were under age 18. During the same period, the Phnom Penh Municipal Court convicted one human trafficker. Police rescued 28 victims of trafficking and reported that they returned to their families or were referred to NGO victim shelters. Five NGOs reported that they provided services to 53 victims of trafficking during the reporting period. End Summary.

#### Efforts to Improve Understanding of New Law

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¶2. (SBU) In October 2008, Deputy Prime Minister Sar Kheng signed into effect "Guidelines on the Implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation" in an attempt to address concerns about human rights abuses of prostitutes rescued during brothel raids, HIV/AIDS prevention efforts being negatively affected by enforcement efforts using the new law, and police arresting perpetrators on charges that appeared inappropriately matched to the crime. The guidelines are generally considered to be helpful in emphasizing that prostitutes should not be treated as criminals. [Comment: However, the guidelines did not clarify the difference between trafficking victims and prostitutes, nor provide guidance on screening of prostitutes or others rescued during brothels for indications that human trafficking took place. End comment.]

¶3. (SBU) In December 2008, the Ministry of Justice (MOJ) and Ministry of Interior (MOI) collaborated to conduct a joint two-day training workshop on Guidelines on the Implementation of the Law on Suppression of Human Trafficking and Sexual Exploitation. The training was funded and partly organized by the United Nations Inter-Agency Project on Human Trafficking in the Greater Mekong Sub-region (UNIAP) and the International Justice Mission (IJM). Attendance included: six police officers from national-level Department of Anti-Human Trafficking and Juvenile Protection, 24 police officers from provincial Anti-Human Trafficking and Juvenile Protection offices, 21 provincial prosecutors, five staff people from various NGOs working on trafficking issues, and representatives from UNICEF and The Asia Foundation (TAF). In addition to sessions explaining human trafficking articles and sexual exploitation articles of the law, the Director of the police Anti-Human Trafficking and Juvenile Protection Department provided a session on the U.S. recommendations for action handed to RGC officials in October 2008.

#### Amcit Arrest

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¶4. (SBU) On October 26, police from the national Anti-Human Trafficking and Juvenile Protection Unit worked in cooperation with

Action pour les Enfants (APLE) to secure the arrest of Michael James Dodd, a 60-year-old American male, at his rental house on the felony charge of purchase of child prostitution, and rescued two 14-year-old female victims. The perpetrator financially supported a family of one of the two female victims and was allowed by the family to have private time with the victim. The perpetrator committed sexual acts with another female victim in exchange for money twice on different occasions. Police reported that the perpetrator is now in pre-trial detention and the victims were sent to World Hope International for victim assistance.

#### Police Activity

15. (SBU) From October to December 2008, Cambodian police reported that they arrested 10 individuals on human trafficking charges and two on prostitution charges in connection with two cases in which rescued prostitutes were under age 18. However, police reported that they are still searching for one perpetrator who escaped. Police reported that they rescued 28 human trafficking victims. Police reported that some of the victims were sent to Ministry of Social Affairs, Veterans and Youth Rehabilitation (MOSAVY) centers while others were reported to have returned to their families.

16. (SBU) On October 1, Kampong Speu provincial police rescued a 17-year-old female victim who was trafficked by a 27-year-old male from Kampong Speu province to sell in Phnom Penh. Police rescued the victim in Kampong Speu after receiving a complaint from the victim's family. Police reported that the perpetrator fled the scene, avoiding arrest, and that the victim returned to her family after the rescue. Police reported that they continue to search for the perpetrator.

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17. (SBU) On October 24, Battambang provincial police arrested 55-year-old Van Ny, female, for operating a brothel and rescued three underage victims aged between 15 and 17 years who were sent to a provincial MOSAVY office for victim assistance. The perpetrator is currently in pre-trial detention.

18. (SBU) On October 30, Kampot provincial police arrested 30-year-old Tan You, female, for trafficking a 17-year-old female victim with the intention of selling her into a brothel. Police reported that the victim returned to her family and that the perpetrator is currently in detention awaiting trial.

19. (SBU) On November 6, Phnom Penh police arrested 22-year-old Hout Re, male, for operating a brothel. Police rescued four underage victims aged between 15 and 17 years and sent them to Phnom Penh MOSAVY office for victim assistance. The perpetrator is in detention awaiting trial.

110. (SBU) On November 19, Siem Reap provincial police arrested 22-year-old Ol Samphors, male, and 17-year-old Lim Kear, female, for trafficking a 15-year-old female victim for the purpose of sexual exploitation. The perpetrators persuaded the victim to travel to Siem Reap province with the promise of a good job. Police reported that the victim returned to her family and the perpetrators are now in pre-trial detention.

111. (SBU) On November 21, Kampong Chhnang provincial police arrested 35-year-old Va Phalla, female, for trafficking a 13-year-old female neighbor from Phnom Penh to sell in Kampong Chhnang province. Police reported that the victim returned to her family and the perpetrator is now in pre-trial detention.

112. (SBU) On November 25, Kampong Thom provincial police arrested 40-year-old Un Ith, female, for trafficking five female victims aged between 15 and 28 years old for the purpose of sexual exploitation. The perpetrator persuaded the victims that she could provide them good jobs in Phnom Penh, and after bringing the victims to the city, attempted to sell the victims to a brothel. Police arrested the perpetrator and rescued the victims before they were sold. Police reported that the victims returned to their families and the perpetrator is now in pre-trial detention.

¶13. (SBU) On December 7, Prey Veng provincial police arrested 29-year-old Ry Samith, female, for trafficking her daughter, aged 5 years old, to sell in Phnom Penh. Police arrested the perpetrator in Prey Veng province and returned the victim to her father. Police reported that the perpetrator is now in pre-trial detention.

¶14. (SBU) On December 17, Koh Kong provincial police arrested four male perpetrators aged between 18 and 36 years old for attempting to traffic 18 victims aged 18 and above to Thailand for labor exploitation. The 18 victims were persuaded by the perpetrators to come from their home communities in Kandal, Takeo, Prey Veng, Svay Rieng and Kampong Cham provinces with promises of good jobs in Koh Kong province. Police arrested the perpetrators and rescued the victims before they were trafficked across the border. Police reported that the victims returned to their families and the perpetrators are now in pre-trial detention.

#### Police Cases from Previous Quarters

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¶15. (SBU) On April 21, Sihanoukville police arrested 29-year-old Ben Pov, female, and 32-year-old Lay Narin, male, for the attempted trafficking of 24 victims from Sihanoukville to Thailand for labor. The 24 victims -- two of them under age 18 -- were from Kampong Thom, Kampot, Prey Veng and Siem Reap provinces. Police reported that the perpetrators are now in pre-trial detention and the victims returned to their families.

¶16. (SBU) On June 10, Kampong Speu provincial police arrested 45-year-old Eng Sok Thy, female, for the attempted trafficking of two underage female victims from Kampong Speu to sell to a brothel in Phnom Penh. Police arrested the perpetrator in Kampong Speu and rescued the victims. Police reported that the victims returned to their families and the perpetrator is now in detention awaiting trial.

¶17. (SBU) On August 8, Banteay Meanchey provincial police arrested 24-year-old Rin Sopheak, male, for the attempted trafficking of five victims aged between 16 and 30 years to Thailand. The five victims were persuaded to come from their home communities in Takeo, Prey Veng and Kampong Cham provinces with promises of good jobs in Banteay Meanchey. The victims paid approximately USD 5 each to the perpetrator as fees for helping to find work. Police made the arrest before the perpetrator could traffic the victims to Thailand, and reported that the perpetrator is now in detention awaiting trial.

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trial. The victims reportedly returned to their families after the rescue.

¶18. (SBU) On September 10, Koh Kong provincial police arrested 48-year-old Le Thy The, Vietnamese female, for the attempted trafficking of five female victims aged 18 to 35 years old to Thailand. Police arrested the perpetrator in Koh Kong and reported that the perpetrator is now in detention awaiting trial. The victims were sent to a provincial MOSAVY office for victim assistance.

¶19. (SBU) On September 20, Department of Anti-Human Trafficking and Juvenile Protection Police arrested 44-year-old Sok Srey Lin, female, for the attempted trafficking of a 15-year-old female victim from Kampong Chhnang province to Malaysia for sexual exploitation. The perpetrator persuaded the victim to come to Phnom Penh by offering her a job. Police arrested the perpetrator in Phnom Penh and rescued the victim. Police reported that the perpetrator is now in pre-trial detention and the victim returned to her family.

#### Court Activity

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¶20. (SBU) Despite testimony that money exchanged hands for sex with two female victims, on December 4, the Appeals Court reduced the prison sentence of American national Thomas Wayne Rapanos who was convicted by the Phnom Penh Municipal Court in August 2008 of indecent acts against two underage victims from two years and six

months to one year under the same article. With evidence that money exchanged hands to facilitate the sexual abuse by the perpetrator, the court could have charged the perpetrator with the felony crime of child prostitution which carries a heavier jail sentence. There was no grievance letter filed to Supreme Court regarding the Appeals Court sentence.

¶21. (SBU) On December 11, Phnom Penh Municipal Court convicted 27-year-old Soeung Channa, male, under new Anti-TIP and Sexual Exploitation Law Article 10 "Unlawful Removal with Purpose" for trafficking a 35-year-old female victim. Soeung Channa was sentenced to 16 years in prison.

#### Phnom Penh Court Cases from Previous Quarters

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¶22. (SBU) During the fourth quarter, the Phnom Penh Municipal Court reported several convictions from previous quarters that it had not yet reported.

¶23. (SBU) On June 5, Phnom Penh Municipal Court convicted 48-year-old Toe Eng, female, and 47-year-old Hong Kung, male, under Article 15 "The Act of Selling, Buying or Exchanging a Person with Purpose" and sentenced them to 10 and seven years in prison, respectively. The court ordered the two perpetrators to pay USD 1,000 compensation to the victim.

¶24. (SBU) On August 26, Phnom Penh Municipal Court changed the charge of 42-year-old Ly Than, female, from Article 3 "Application of this Law outside the Territory" to Article 11 "Unlawful Removal for Cross-border Transfer" and sentenced Ly Than to eight years in prison. The court reported that the perpetrator was arrested in December 2007. [Note: Article 3 is a definition article of the law, not an article that proscribes a punishment for a particular crime. End note.]

¶25. (SBU) On August 28, Phnom Penh Municipal Court convicted 45-year-old Choup Sokha, female, 27-year-old Son Sreng, male, and 28-year-old Son Sreang, male, under Article 26 "Procurement of Prostitution" and sentenced Choup Sokha to three years in prison and the other two perpetrators to two years in prison each. The court reported that there was one victim under age 18.

¶26. (SBU) On September 4, Phnom Penh Municipal Court changed the charge of 27-year-old Kong Hean, female, from Article 26 "Procurement of Prostitution" to Article 27 "Aggravated Procurement of Prostitution" under new Law on the Suppression of Human Trafficking and Sexual Exploitation. The court convicted Kong Hean under Article 27 and sentenced her to six years in prison.

#### Other Activity

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¶27. (SBU) During the fourth quarter, MOSAVY reported that it received 19 victims of labor and sex trafficking from Thailand -- 17 of whom were minors -- and 97 victims of labor trafficking from Vietnam -- 67 of whom were minors. MOSAVY reported that it received 114 female victims of sex trafficking in Cambodia and sent them to NGOs for victim assistance.

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¶28. (SBU) During the fourth quarter, IJM carried out two successful operations separately in Phnom Penh and rescued 14 victims from two different entertainment establishments. IJM reported that police arrested seven perpetrators during the two operations. However, IJM reported that police released some of the victims without victim assistance services or screening in the middle of the night.

¶29. (SBU) The NGO Cambodian Human Rights and Development Association (ADHOC) reported that on October 9 Thai local police from an unknown department or unit handed over to Koh Kong provincial police a 23-year-old man named Ho Reth who was trafficked by a 29-year-old perpetrator named Len. The victim was persuaded to work in Thailand as a fisherman for a salary of 4,000 Thai Bath (USD 114) per month. The victim paid the perpetrator 2,000 Thai Bath

(USD 57) to secure the job. The victim worked for one year without payment and decided to return home, but was arrested by Thai local police, likely on illegal immigration or entry charges, along the way. Thai local police detained the victim for 10 days. ADHOC reported that the victim did not file a complaint against the perpetrator and only wanted the money to return home. ADHOC helped the victim return home.

¶30. (SBU) ADHOC reported that on November 11 local Thai police from an unknown department or unit handed over to Koh Kong provincial police a 19-year-old man named Horn Sy who was trafficked by a 25-year-old man named Soun Sovannara. The perpetrator persuaded the victim to work in Thailand as a fisherman for a salary of 5,000 Thai Bath (USD 142). The victim paid the perpetrator 2,000 Thai Bath (USD 57) to secure the job. The victim received only 16,000 Thai Bath (USD 457) after working for eight months. The victim's boss complained to Thai local police that the victim was in the country illegally when the victim demanded more payment; the victim was arrested and detained for 10 days in Klang Yai, Thailand. ADHOC reported that the victim decided not to file complaint against the perpetrator and only asked for money to return home. ADHOC helped the victim return home.

¶31. (SBU) During the fourth quarter, Cambodian Women's Crisis Center (CWCC) reported that the center received two 25-year-old female victims of transnational human trafficking cases from Taiwan and Malaysia. The center helped bring the two victims back after receiving the complaints from the victims' families.

¶32. (SBU) During the fourth quarter, Cambodian Defenders Project (CDP) received three new cases of sex trafficking involving eight victims, three of whom are minors. CDP provided legal support and lawyers for the victims.

¶33. (SBU) During the fourth quarter, World Hope International (WHI) received 26 rescued victims of sex trafficking aged between 14 and 22 years old. Of the 26 victims, there were 17 Cambodian, seven Vietnamese, one Khmer-Vietnamese, and one Cham.

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